

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 18 (BUILDING AND BUILDING REGULATIONS) OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING VARIOUS PROVISIONS OF ARTICLE VII (HOUSING CODE) THEREOF, INCLUDING: SECTIONS 18-401 (ADOPTED), AND ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, INCLUDING CERTAIN APPENDICES THERETO (BUT CONTINUING IN EFFECT PORTIONS OF THE INTERNATIONAL RESIDENTIAL CODE, 2006), 18-421 (DELETIONS, AMENDMENTS AND ADDITIONS GENERALLY), 18-422 (PERMIT EXPIRATION), 18-423 (EXEMPTED WORK), 18-424 (CERTIFICATE OF OCCUPANCY), 18-425 (BUILDING/FIRE CODE BOARD OF APPEALS), 18-426 (VIOLATION PENALTIES), 18-426.1 (DEFINITIONS), 18-427 (EXTERIOR WALLS), 18-428 (UNITY AGREEMENTS), SECTION 18-428.3 (WHERE REQUIRED IN EXISTING DWELLINGS), 18-430 (DISPOSAL OF CONSTRUCTION WASTE), 18-431 (EXCAVATION, CONSTRUCTION AND DEMOLITION AT NIGHT PROHIBITED), 18-432 (STORMWATER RUNOFF), 18-433 (BUILDING SECURITY), 18-434 (AIRPORT NOISE), 18-435 (EXTERIOR PLASTER), 18-436 (EXTERIOR INSULATION AND FINISH SYSTEM (EIFS)), 18-436.1 (SEWER DEPTH), 436.2 (ROOF EXTENSION), 18-437 (ADMINISTRATIVE APPROVAL), 18-438 (LOCATION OF CLEAR SPACES), 18-439 (MINIMUM SIZE OF CONDUCTORS), 18-440 (SERVICE DISCONNECT LOCATION), AND 18-441 (AMENDMENTS TO CHAPTER 11 ENERGY EFFICIENCY); DELETING SECTION 18-428.1 (OTHER PENETRATIONS) TO THE CODE OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the amendments set forth in this Ordinance to Chapter 18 of the Code of Ordinances of the Town of Addison, Texas (the "City") are pursuant to investigation and analysis by the City, and are with a view of and to further the purposes and objectives set forth in Section 18-31 of the Code, including to promote the health, safety, welfare, convenience and enjoyment of the public, including to protect the public welfare, and are to comply with applicable State law; and

WHEREAS, among other things, this Ordinance continues in effect the provisions of the International Residential Code, 2006 Edition for purposes of the amendment thereto set forth in Section 18-429 of the Code of Ordinances, and the City Council hereby finds that the requirements included in and provisions of the said Section 18-429 have been in effect prior to January 1, 2009, and that the continuation of those requirements and provisions by this

Ordinance is not and does not constitute the enactment of an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling after January 1, 2009; and

WHEREAS, the adoption of this Ordinance and the amendments set forth herein are for and in the best interests of the health, safety and welfare of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Incorporation of Recitals. The above and foregoing recitals and premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. The Code of Ordinances of the Town of Addison, Texas (the “City”) is hereby amended by amending certain sections and provisions of Chapter 18 (Building and Building Regulations), Article VII (Housing Code) thereof as set forth in Exhibit A attached hereto and incorporated herein for all purposes, and all other chapters, articles, sections, subsections, sentences, phrases and words of the said Code of Ordinances are not amended hereby.

Section 3. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 4. Penalty. It shall be unlawful for any person, firm, corporation, or other business entity to violate any provision of this Ordinance, and any person, firm, corporation, or other business entity violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Five Hundred and No/100 Dollars (\$500.00), and a separate offense shall be deemed committed each day during or on which a violation or failure occurs or continues.

Section 5. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity

of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 6. Effective Date. This Ordinance shall become effective from and after its passage and approval and its publication as may be required by law (including, without limitation, the City Charter and the ordinances of the City).

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this ____ day of _____, 2014.

Todd Meier, Mayor

ATTEST:

By:_____
Matt McCombs, City Secretary

APPROVED AS TO FORM:

By:_____
John Hill, City Attorney

EXHIBIT A
TO ORDINANCE NO. _____

Chapter 18 (Building and Building Regulations), of the Code of Ordinances (the “Code”) of the Town of Addison, Texas is hereby amended by amending various sections of Article VII (Housing Code) thereof as set forth below and as follows (additions are underlined; deletions are ~~struck through~~):

1. Section 18-401 of the Code is amended to read as follows:

Sec. 18-401. Adopted.

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials used, use and occupancy, location and maintenance of all buildings and structures within the city and certain equipment specifically regulated herein, the International Residential Code, 2012~~2009~~ Edition (for purposes of this Article, the “2012~~2009~~ International Residential Code,” a copy of which, authenticated by the signature of the mayor and the city secretary, and made a public record by ordinance, is on file in the city secretary’s office), is hereby adopted as the building code of the city as fully as if copied at length in this article, but with the changes therein and additions thereto to provided in this article. Also, adopted are Appendices **E, F, G, H, I, J and K** of the 2012~~2009~~ International Residential Code.

Notwithstanding the adoption of the 2012~~2009~~ International Residential Code, Section R325 of the International Residential Code, 2006 Edition (for purposes of this Article, the “International Residential Code”), as added by an amendment to the International Residential Code as set forth in Section 18-429, below, and any provisions of the International Residential Code (including, without limitation, any appendices) that are deemed by the Building Official of the Town of Addison to be necessary for or useful to the application, interpretation, and/or enforcement of the said Section R325, are continued in full force and effect. To the extent of any conflict between the provisions of the International Residential Code as continued hereby and the provisions of the 2012~~2009~~ International Residential Code, the provisions of the International Residential Code shall control.

Section R313 of the 2012~~2009~~ International Residential Code is not adopted hereby and is excluded from the adoption of the 2012~~2009~~ International Residential Code.

2. All references to the “2009 International Residential Code” included in Sections 18-421 through 18-428, and in Sections 18-430 through 18-441, shall mean and are amended to read “2012~~2009~~ International Residential Code”.
3. Section 18-421 of the Code is amended to read as follows:

Sec. 18-421. Deletions, amendments and additions generally.

The ~~2012~~2009 International Residential Code, as adopted in this article, is hereby modified by deletions, amendments and additions provided herein.

4. Section 18-422 of the Code is amended to read as follows:

Sec. 18-422 Permit Expiration.

The ~~2012~~2009 International Residential Code is amended by changing subsection R105.5 and adding subsection R105.5.1 to read as follows:

R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time work is commenced. All work commenced under a building permit shall be completed within 18 months. The building official is authorized to grant, in writing, an extension of time, for a period of not more than 180 days. The extension shall be requested in writing and justifiable cause demonstrated. No permit shall be extended more than once.

R105.5.1 New permits required. A new permit must be obtained for any construction which is not completed within the allowable time period or extended as provided above. A new fee shall be required in connection with the issuance of a new permit. The new fee shall be the amount required for the original permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work. A new permit must be obtained for any construction which has been suspended or abandoned for a period of more than 180 days. The permittee shall make new application, resubmit plans for review, and pay a new full permit fee to resume work.

5. Section 18-423 of the Code is amended to read as follows:

Sec. 18-423. Exempted work.

The ~~2012~~2009 International Residential Code is amended by deleting items 1 and 2 from subsection R105.2.

6. Section 18- 424 of the Code is amended to read as follows:

Sec. 18-424. Certificate of Occupancy.

The ~~2012~~2009 International Residential Code is amended by deleting section R110.

7. Section 18-425 of the Code is amended to read as follows;

Sec. 18-425. Building/Fire Code Board of Appeals.

The ~~2012~~2009–International Residential Code is amended by amending Section R112 in its entirety as follows:

R112. Building/Fire Code Board of Appeals. For purposes of this code, appeals shall be to the board of appeals, being denominated as the Building/Fire Code Board of Appeals, which shall consist of the members of the board of adjustment appointed by the city council pursuant to Appendix A, Article XXIV of the Code of Ordinances of the Town of Addison. The provisions applicable to the board of appeals as set forth in Section 112.1 and 112.2 below and described in Section 113 of the International Building Code adopted by the town, including, without limitation, general provisions, limitations of power, powers of the board, and appeal process, shall be applicable to and govern appeals and the said board of appeals for purposes of this code.

112.1 Determination of substantial improvement in areas prone to flooding. When the building official provides a finding required in Section R105.3.1.1, the board of appeals shall determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include:

1. Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the building official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of an historic building or structure, provided that the alteration will not preclude the continued designation as an historic building or structure. For the purpose of this exclusion, an historic building is:
 - 2.1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
 - 2.2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
 - 2.3. Designated as historic under a state or local historic preservation program that is approved by the Department of

Interior.

112.2 Criteria for issuance of a variance for areas prone to flooding. A variance shall only be issued upon:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards in Section R322 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

8. Section 18-426 of the Code is amended to read as follows:

Sec. 18-426. Violation penalties.

The ~~2012~~2009 International Residential Code is amended by changing subsection R113.4 to read as follows:

R113.4 Violation penalties. See subsection 114.4 of the International Building Code.

9. Section 18-426.1 of the Code is amended to read as follows:

Sec. 18-426.1. Definitions.

The ~~2012~~2009 International Residential Code is amended by changing the definition of Townhouse in Section 202 to read as follows:

Townhouse. A single family dwelling unit constructed in a group of attached units separated by property lines in which each unit extends from the foundation to roof and with open space on at least two sides.

10. Section 18-427 of the Code is amended in its entirety to read as follows:

Sec. 18-427. Exterior Walls.

The ~~2012~~²⁰⁰⁹ International Residential Code is amended by changing exception 3 in subsection R302.1 to read as follows:

Exception 3. Detached tool sheds and storage sheds, playhouses and similar structures where the floor areas does not exceed 200 square feet are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.

11. Section 18-428 of the Code is amended to read as follows:

Sec. 18-428. Unity Agreements.

The ~~2012~~²⁰⁰⁹ International Residential code is amended by adding Exception 6 to section R302.1 to read as follows:

Exception 6 Unity agreement. See Section 705.15 of the International Building Code.

12. The Code of Ordinances is amended by deleting Section 18-428.1 in its entirety;

~~Sec. 18-428.1 Other penetrations.~~

~~———The 2009 International Residential Code is amended by changing Section R302.5.3 to read as follows:~~

~~*R302.5.3 Other penetrations.* Penetrations through the separation required in Section R302, shall be protected as required by Section R302.11, Item 11.~~

13. Section 18-428.3 is amended to read as follows:

Sec. 18-428.3. Where required in existing dwellings.

The 2012 International Residential Code is amended by changing Section R315.3~~R315.2~~ to read as follows:

R315.3~~R315.2~~ Where required in existing dwellings. Where work requiring a permit occurs in existing dwellings that have attached garages or in existing dwellings within which fuel-fired appliances exist, carbon monoxide alarms shall be provided in accordance with Section R315.1.

Exceptions:

1. Work involving the exterior surfaces of dwellings, such as replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.
2. Installation, alteration or repairs of electrical, or plumbing and mechanical systems inside the dwelling that does not involve the installation, alteration or repairs of gas lines or gas appliances are exempt from the requirements of this section.

14. Section 18-430 of the Code is amended to read as follows:

Sec. 18-430. Disposal of Construction Waste.

The ~~2012~~2009 International Residential Code is amended by adding Section R324 to read as follows:

SECTION R324

DISPOSAL OF CONSTRUCTION WASTE

R324.1 General. See Section ~~3314~~3313 of the International Building Code.

15. Section 18-431 of the Code is amended to read as follows:

Sec. 18-431. Excavation, Construction or Demolition at night prohibited.

The ~~2012~~2009 International Residential Code is amended by adding Section R325 to read as follows:

SECTION R325

EXCAVATION, CONSTRUCTION OR DEMOLITION AT NIGHT PROHIBITED

R325.1 General. See Section ~~3315~~3314 of the International Building Code.

16. Section 18-432 of the Code is amended to read as follows:

Sec. 18-432. Stormwater Runoff.

The ~~2012~~2009 International Residential Code is amended by adding Section R326 to read as follows:

SECTION R326
STORMWATER RUNOFF

R326.1 General. See Section ~~3316~~3315 of the International Building Code.

17. Section 18-433 of the Code is amended to read as follows:

Sec. 18-433. Building Security.

The ~~2012~~2009 International Residential Code is amended by adding Section R327 to read as follows:

SECTION R327

BUILDING SECURITY

R327.1 General. See Chapter 36 of the International Building Code.

18. Section 18-434 of the Code is amended to read as follows:

Sec. 18-434. Airport Noise.

The ~~2012~~2009 International Residential Code is amended by adding Section ~~R329~~R328 to read as follows:

SECTION R328

AIRPORT NOISE

R329.1 General. See Chapter 37 of the International Building Code.

19. Section 18-435 of the Code is amended to read as follows:

Sec. 18-435. Exterior Plaster.

The ~~2012~~2009 International Residential Code is amended by adding subsection R703.6.6 to read as follows:

R703.6 3/8" One-coat stucco system. See subsection 2512.10 of the International Building Code.

20. Section 18-436 of the Code is amended to read as follows:

Sec. 18-436. Exterior insulation and finish system (EIFS).

The ~~2012~~2009 International Residential Code is amended by adding subsection R703.9.5 to read as follows:

R703.9.5 Requirements: In addition to the above requirements the exterior insulation and finish system shall comply with subsection 1408.6 of the International Building Code.

21. Section 18-436.1 of the Code is amended to read as follows:

Sec. 18-436.1. Sewer depth.

The ~~2012~~2009 International Residential Code is amended by changing Section P2603.6.1 to read as follows:

P2603.6.1 Sewer depth. Building sewers shall be a minimum of 12 inches (304 mm) below grade.

22. Section 18-436.2. of the Code is amended to read as follows:

P3103.1 Roof extension.

The ~~2012~~2009 International Residential Code is amended by changing ~~Section~~subsection P3103.1 to read as follows:

P3103.1 Roof extensions. All vent pipes which extend through a roof shall be terminated at least 6 inches (152 mm) above the roof except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall run a least 7 feet (2.134 mm) above the roof.

23. Section 18-437 of the Code is amended to read as follows:

Sec. 18-437. Administrative approval.

The ~~2012~~2009 International Residential Code is amended by adding subsection P3114.9 to read as follows:

P3114.9 Administrative approval. The administration shall have final approval of all location of air admittance valves.

24. Section 18-438 of the Code is amended to read as follows:

Sec. 18-438. Location of clear spaces.

The ~~2012~~2009 International Residential Code is amended by adding a sentence to subsection E3405.4 to read as follows:

Overcurrent devices shall be permitted in clothes closets if the working clearances required in subsection E3305.2 are maintained.

25. Section 18-439 of the Code is amended to read as follows:

Sec. 18-439. Minimum size of conductors.

The ~~2012~~2009 International Residential Code is amended by changing the first sentence

of subsection E3406.3 to read as follows:

The minimum size of conductors for feeders and branch circuits shall be No. 14 copper and aluminum conductors shall be No. 8 or larger and shall not be used on branch circuits.

26. Section 18-440 of the Code is amended to read as follows:

Sec. 18-440. Service disconnect location.

The ~~2012~~2009 International Residential Code is amended by adding sentences to subsection E3601.6.2 to read as follows:

Unfused service entrance conductors entering buildings shall be enclosed in rigid metal conduit, wireways, auxiliary gutters, or as busways. Unfused service conductors extending within the building above the third floor shall be enclosed in at least two inches of concrete, except in meter rooms.

27. Section 18-441 of the Code is amended to read as follows:

Sec. 18-441. Amendments to Chapter 11 Energy Efficiency.

Part IV – Energy Conservation - Chapter 11 [RE] Insert text to read as follows:

Residential Provisions for Energy Efficiency~~The 2009 International Residential Code is amended by changing Section N1101.2.1, N1102.1 and N1102.2.12 to read as follows:~~

~~*N1101.2.1. Compliance software tools.* Software tools used to demonstrate energy code compliance utilizing the UA alternate approach shall be approved by the building official. The PNL program REScheckTM is not acceptable for residential compliance.~~

~~——— Exception: When REScheckTM “UA Trade-off” compliance approach or the UA Alternative compliance approach is used, the compliance certificate must demonstrate that the maximum glazed area does not exceed 15% of the conditioned floor area.~~

~~*N1102.1. Insulation and fenestration criteria.* The building thermal envelope shall meet the requirements of table N1102.1 based on the climate zone specified in Table N1101.2. The use of Tables N1102.1 and N1102.2.2 are limited to a maximum glazing area of 15% window to floor area ratio.~~

~~*N1102.12. Insulation installed in walls.* Insulation batts installed in walls shall be totally surrounded by an enclosure on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing or other equivalent material approved by the building official.~~